

**HINTALOVON**

Child Rights Foundation

# **Child Rights Report 2019**

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# Foreword

According to our initial plans, this Foreword would have been about the 30th anniversary of the United Nations Convention on the Rights of the Child, the 2019 reforms of the education system and the measures taken to protect families in Hungary. However, life had its own ways.

The 2019 Report was delivered in a challenging time. Our authors finalised their submissions during the Covid-19 public health crisis of March 2020. Thus, as things kept worsening by the day, new light was shed on the data and information from 2019.

**What is the state of the healthcare system dealing with the pandemic?** In 2019, 40% of pediatricians were above the retirement age (20% of them above 70). The number of vacant pediatrician positions rose from 89 in 2018, to 110 in 2019, meaning that except for Szabolcs-Szatmár-Bereg and Tolna counties as well as Budapest, all counties reported an increase in vacant pediatric positions. In 2019, this resulted in a situation where 72,273 children below 18 had no access to pediatric services.

The issue is not merely a quantitative, but also a qualitative problem: the “How do you see it?” survey in 2019 involving 5300 where one quarter of the children (1293) shared their healthcare experiences, the majority of which were negative. Every third answer mentioned the improper behaviour of the doctor while every fourth reflected on some kind of negligence by the doctor – such as not using rubber gloves or a false diagnosis etc.

**How prepared is the public healthcare system to care for the mentally ill children?** The number of institutions providing outpatient child or youth psychiatric services decreased by 17 from 2018, resulting in a 40% drop in the available weekly hours of such medical professionals. The children crisis helplines reported an average daily encounter of 3-4 suicidal crises in 2019.

**What is the state of the public education system?** According to the Central Statistical Office (KSH), 4543 teacher positions were vacant in the second half of 2019. On average, a Hungarian teacher worked 56 hours weekly, and spent a surplus of 18 hours on preparation and administration at home. This was the education system that in March 2020 had to transition into digital schooling and provide quality education until the end of the school year.

**How safe are children who spend most of their time at home due to the Covid-19 induced digital education?** According to the latest (2018) statistical data, every tenth child is endangered at home. Child protection statistics recorded 173,000 children as endangered, which is an increase compared to the previous year. The number of children under child protection also rose by the thousands compared to the previous year. The public as a whole has to be more responsible for these children during the crisis in 2020, as we should have been in previous years.

At the time of finalising our report, we do not yet know how the country will tackle the crisis. Nevertheless, we have already witnessed the incredible effort of our teachers and schools in their transition to digital education, as we have also seen signs of solidarity and cooperation in protecting our children and elderly. We have written and finalised our report bearing all of this in mind – in the hope that our 4 year undertaking to monitor the situation of children in Hungary is not only a remnant reflection of the past but also a lodestar for the future which helps us understand our present.

## Methodology

*The report is based on consistent methodology. Similarly with previous years reports, it summarises what was most important from the children's rights perspective in 2019. We have collected data and information from three fields:*

- new legislation and amendments passed or entered into force in 2019;*
- published professional material, statistics and other sources of information released in 2019;*
- reports, news and media coverage aired in 2019.*

Compiling the report is based on thorough research (actually, information and data are gathered all throughout the target year), which provides the groundwork for our decision-making and how we pinpoint the greatest changes, reforms and challenges in each field from a children's rights perspective.

Based on our previous experience, we were prepared that monitoring a constantly changing legal landscape would not be an easy task – as it is also always a challenge to uncover information that does not reach widespread publicity. As per the previous years, in 2019, it proved difficult to access statistical data, numbers and systemic information. **For years it has been highly difficult to receive or access up to date statistics** – a matter which the UN CRC Committee emphasised once again in its observations in 2019, calling for more efficient gathering and dissemination of data related to children's rights. The Committee likely based its observations on the fact that the [country report](#) submitted in 2019 had been based on data from 2017. Even the government could not come up with more recent data than that.

The Child Rights Report of 2019 was drafted by experts of the Hintalovon Child Rights Foundation, with the direct involvement of professionals from other organisations in certain parts of the report. The first version of the report was brought before expert forums of the Articles of the UN CRC and discussed thoroughly.

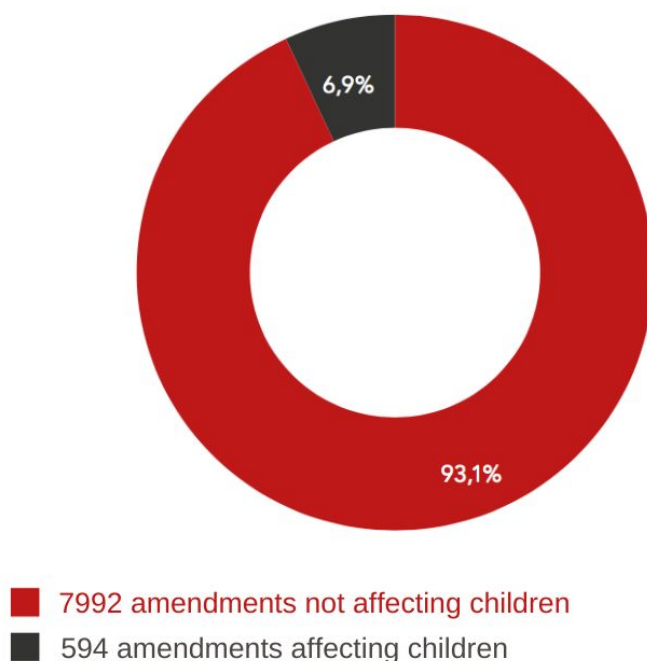
The report – for the last time – follows the structure of the Concluding Observations the UN Committee on the Rights of the Child delivered for Hungary in 2014, the nomenclature of the chapters also reflects this alignment. From next year onwards, we will follow the structure of the Committee's most recent concluding observations (published in 2020).

The previous reports are available at [www.hintalovon.hu/en](http://www.hintalovon.hu/en).

We kindly ask that any remarks regarding the 2019 report be sent to [info@hintalovon.hu](mailto:info@hintalovon.hu). Thank you!

## Measures and results

2019 brought with it intensive legislative activism. Rather than new norms, amendments to existing norms were the most common. A total of **8586 amendments** entered into force, **600** of which **affected children living in Hungary** in some way.<sup>1</sup>



*Overall number of legal amendments in 2019: 8586*

The new legislation in 2019 had a significant effect on children's rights. While landmark legal documents were adopted (e.g. the government decree preparing the prevention of profit oriented sexual exploitation of children<sup>2</sup>), the ad hoc legislation induced by media scandals was also still noticeable. The large numbers of the latter further increased the risk of eroding the consistency of legal regulation and the rule of law.

**Ever since the change of system in 1989, the increasing trend of trying to “solve” children's rights issues by way of codification (legislation) can be observed.** This trend caused a deepening problem in the last three decades because navigating the laws relevant to children is a significant challenge even for professionals.

<sup>1</sup> According to the [legal database](#) and search engine of the Wolters Kluwer Hungary Kft.

<sup>2</sup> Government decree no. 1125/2019 (III. 13.)

“Ignorance of the law is no excuse” – goes the principle, however, bearing in mind the legislative frenzy (such as the example of 2019) it may be questioned whether the layperson, whose everyday life these children’s rights focused laws directly affect, can be held to account for the knowledge and following of these rules. This means that oftentimes **even proactive, valuable and positive legal decisions are unable to have meaningful effect.**

Since its entry into force, the **Child Protection Act**<sup>3</sup> has been one of the most regularly amended acts. In 2019, the Child Protection Act was amended with new provisions on prohibition to work with children<sup>4</sup> (for perpetrators of grave criminal acts). This may have been the result of the child abuse scandals in child care homes in the previous years.

The Child Protection Act was also amended to prescribe that local child protection authorities – similarly to the Icelandic model – provide so-called **Barnahus** (means: children’s home) services. This model aims to **protect victims of child sexual abuse from the subsequent traumatising effect of the hearings during criminal procedures** and from the trauma caused by the criminal procedure in general.<sup>5</sup> The legal reforms are only the beginning of setting up the Barnahus model – further reforms and efforts are needed for the model to meaningfully achieve its aim.

Further, it has to be mentioned, regarding the amendments to the Child Protection Act, that **the procedure to halt child benefits have been eased**, while the **child welfare centres’ duties vis-à-vis contact rights were widened**. The registry of ad litem guardians was also set up, something which has been requested by professionals for a long time.<sup>6</sup>

The **annual budget of 2019** and the [explanatory memorandum for the budgeting act](#) served as sources of information regarding the financial status of the elements of the child protection system. No significant changes were observable, however, it was clear that **most of the additional funding was related to the government’s family centred policies.**

Regarding the family and child welfare centres and services, one person – **the so-called case-manager drawing up the [social diagnosis](#)** – was added to the positions financed in 2019.<sup>7</sup> Additionally, a 13.6% increase in funding was realised in 2019 regarding social and child welfare duties, as well as a 5.2% increase in the funding of local municipalities to provide interim care for children.

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<sup>3</sup> Act no. XXXI of 1997 on the protection of children and the administration of guardianship

<sup>4</sup> Section 10/A. of Act no. CXVII of 2018 on the amendment of specific social and child protection laws

<sup>5</sup> Section 61. paragraph (2) of the Child Protection Act

<sup>6</sup> Section 68. paragraph (3) points i) and j) as well as Section 84. paragraph (2a) of the Child Protection Act

<sup>7</sup> The case-manager in charge of the social diagnosis is tasked with examining the situation, environment and needs of the petitioner and his or her family, in order to identify the social services and primary care available to them, as well as healthcare, work, charity or other services and information and update it yearly. Source: Section 30. paragraph (4) of the SzCsM Decree no. 1/2000 (i. 7.)

Funding has been [increased](#) for kindergarten and school social help services since its inauguration in 2018.<sup>8</sup> Local municipalities are entitled to apply for this funding if the family and child welfare centre founded by the municipality serves as the social service agency.<sup>9</sup> It is also an improvement that from 2019, the social help service person cannot be in an employment contract with any institutions located in the area of the services.<sup>10</sup>

From 1st January 2019, **orphan benefit** was increased by 2.7%,<sup>11</sup> while due to the increase of the minimum wage, the maximum sum of childcare allowance, as well as higher education **childcare allowance** (so-called [gyed](#)) were also raised (the latter may be granted until the child reaches 2 years of age). The **child home care allowance** (called [gyod](#)) was also introduced in January as a new means of financial support, aiming to support families where care for the children requires the full attention and presence from one of the parents. At least 20% of those requiring at-home care are children.

The inauguration of the new form of support was significantly moved forward by the social cooperation rallying behind the [home-care campaign](#) of the Step by Step! Association supported by the Civil College Foundation. A follow-up to this initiative was the [“Days off for all families!”](#) campaign involving a variety of NGOs and led by the Civil Liberties Union (TASZ), this campaign enjoyed significant public and media coverage.

The 2019 legal reforms also affected the **special schools called “tanoda”**. These schools – operated mainly by NGOs – complement the public education system by providing extra-curricular developmental and catch-up activities for children from disadvantaged backgrounds. These were moved to a new financing and approval system in 2019. The Ministry of Human Capacities (EMMI) adopted a new decree<sup>12</sup> to regulate **services targeting equal opportunities for children** (Biztos Kezdet Gyerekház, Tanoda). According to this decree, the designated Social Equal Opportunities Authority (TEF) provides expert opinion to the programmes of organisations providing equal opportunity services to children and participates in their legal control.<sup>13</sup> [It may be questioned](#) whether these measures and the designation of the TEF will provide stability and a solution to a situation that would require equal opportunities in the public education system.

Apart from the legislative changes described above, the other main field of reform was public education and the financial support of families with children.

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<sup>8</sup> The annual budget of 2018 (Act no. C of 2017) allocated 1 billion 379.8 million HUF for kindergarten and school social help services, while the provisional budget of 2019 allocated 5 billion 519.5 million HUF for the same purpose.

<sup>9</sup> The annual budget of Hungary for 2019 (Act no. L of 2018)

<sup>10</sup> Section 25. paragraph (4) of the NM Decree no. 15/1998 (IV. 30.)

<sup>11</sup> Governmental Decree no. 240/2018 (XII. 12.)

<sup>12</sup> EMMI Decree no. 40/2018 (XII. 4.)

<sup>13</sup> Section 4. paragraph (2b) of the NM Decree no. 15/1998 (IV. 30.)

The 2019 [Family Protection Action Plan](#) legislative package<sup>14</sup> was a key element of legislative actions, [two points](#) of which only entered into force on 1st January 2020.<sup>15</sup> The action plan includes financial support for **young married couples expecting their child**, the housing subsidy for families (called **csok**), the **debt relief for large families** and **car purchase programme** for large families, as well as the introduction of **full time nursery care**.<sup>16</sup>

The Hungarian Central Bank issued a [financial stability report](#) in December 2019, reporting that 29,000 contracts for the child expectance allowance were concluded in the third quarter, directly after its launch. Furthermore, the government eased the procedures for applying for these benefits.<sup>17</sup> In order to do so, 201 legal amendments were necessary.<sup>18</sup>

In the meantime, criticism towards these measures grew. The majority of [expert discussion](#) revolved around the availability and accessibility of the programmes of the action plan, including its discriminatory nature vis-à-vis persons of disadvantaged backgrounds and whether it is even possible to effectively shape demographic trends with legal measures.

In 2019, the most characteristic children's rights issues centred around the massive **public education reform**. The Public Education Act<sup>19</sup> had amendments enter into force from 1st September 2019<sup>20</sup> which **erased the possibility of homeschooling, replacing it with "individual schedules"**. This individual schedule is approved by the Education Authority<sup>21</sup> (rather than the school principal, as it was previously) upon application.<sup>22</sup>

Another amended provision of the Public Education Act<sup>23</sup> prescribed that at least 70% of the curriculum of **alternative kindergartens and schools** be the same as the National

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<sup>14</sup> The action plan includes (among others): Governmental Decree no. 44/2019 (III. 12.) on child expecting support; Governmental Decree no. 45/2019 (III. 12.) on the support of large families to acquire a car; Governmental Decree no. 16/2016 (II. 10.) on the support for building or purchasing a new home; Governmental Decree no. 17/2016 (II. 10.) on the support for expanding a family's home; Governmental Decree no. 337/2017 (XI. 14.) on the debt relief of families with 3 or more children; Governmental Decree no. 110/2019 (III. 12.) on the governmental measures taken as part of the Family Protection Action Plan; and Acts no. CXVII of 1995 on personal income tax, no. LXXXIV of 1998 on the protection of families amended by Act no. XXXII of 2019 on the amendments related to the Family Protection Action Plan

<sup>15</sup> These included the childcare allowance for grandparents and the tax exemption of women with four or more children.

<sup>16</sup> Regarding the latter, the government specifically aimed to provide creche care [for all free of charge or at an insignificant price](#). The lack of available creche places we have mentioned in our [2017](#) and [2018](#) Reports.

<sup>17</sup> Governmental Decree no. 1203/2019 (IV. 17.)

<sup>18</sup> Governmental Decree no. 360/2019 (XII. 30.) included legal amendments to 201 decree level legal norms, many of which are related to the application procedure of social and child welfare services

<sup>19</sup> Act no. CXC of 2011 on public education

<sup>20</sup> Amended by Act no. CCXXXII of 2019

<sup>21</sup> Governmental Decree no. 196/2019 (VIII. 1.)

<sup>22</sup> For technical school students, the individual schedule is still approved by the school principal, resulting in a different situation than students of grammar schools. If, in the latter, the reasons for the application is the student's special educational needs, the pedagogic authority provides an expert opinion for the Educational Authority.

<sup>23</sup> Section 9. paragraph (9a) of Act CXC of 2011

Curriculum (NAT). [Critics](#) of this amendment believe that this reform jeopardises and questions the credibility of these unique teaching methods.

The publicity of applications for principals suffered a serious blow as well.<sup>24</sup> In the future, the **opinion of the board of teachers and partner organisations** (board of employees, student council) **need not be taken into account** when appointing a principal in charge of the institution. This amendment has been [criticised](#) by NGOs and professionals alike, nevertheless, [the secretary for education claimed](#) that this change is aimed at promoting transparency.

A further novelty of the 2019 legislative reforms is that **a child may only be exempted from going to kindergarten up to the age of 4, instead of the previous 5**.<sup>25</sup> Developing and expressing the abilities of the child has been removed as a reason for exemption. The new legislation affected **the age of compulsory education** too, meaning that a child falls under compulsory education if in the year when he or she reaches the age of 6 before 31st August. The Commissioner for Fundamental Rights requested that this [new procedure be postponed](#) due to a possible breach of the rule of law and children's rights. Furthermore, the child has to be progressively prepared for school education, especially in the final years of kindergarten.<sup>26</sup>

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<sup>24</sup> Section 33. paragraph (1) points e)–g) of Act no. LXX of 2019

<sup>25</sup> Section 7. paragraph (1) of Act no. LXX of 2019

<sup>26</sup> Governmental Decree no. 275/2019 (XI. 21.)

## A. General measures of implementation

### Previous recommendations of the Committee

Hungary has to periodically report on its implementation of its international obligations. **The UN CRC periodic review was due in 2019.** Thus, the government, the civil society and the children submitted their reports to the UN CRC Committee on the state of children's rights in Hungary, and the implementation of the Committee's previous recommendations. The [government's submission](#) described the legal reforms, the measures taken and the programmes launched in the previous 5 years as well as provided [statistical data](#) on child protection, education, access to justice and other areas. However, the government's submission left several questions from the Committee [unanswered](#), such as questions regarding the healthcare of children, child abuse and violence against children and help for victims – showing the systemic lack of transparent follow-up and an overarching evidence-based strategy.

*“Hungary submitted its sixth report to the UN CRC Committee this year, with the Child Rights NGO Coalition also submitting an alternative report. The Coalition was formed in 2015 to promote constructive dialogue and cooperation between civil society and the professionals in the fields of child protection and children's rights. It was formed to assist the implementation of the recommendations of the UN CRC Committee for Hungary.” [Source](#)*

The Child Rights NGO Coalition consists of 18 expert organisations and other individual experts. They submitted an [alternative report](#) for the period between 2014 and 2019, compiling the most important children's rights issues. A Hungarian version was also published later. This year was the first time when the voice of children was heard by the Committee. The [“How do you see it?”](#)<sup>27</sup> survey involved approximately 5300 children. In autumn of 2019, children – for the first time ever – were heard in person by the Committee in Geneva.<sup>28</sup>

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<sup>27</sup> From November 2018 until March 2019 almost 5300 children shared their opinion on what it is like to grow up in Hungary. They wanted the Committee to consider their accounts as well when deliberating the situation in Hungary. The children shared their experiences in 7 topics through a survey and focus group interviews. This report focused entirely on the views and feelings of children, which, nevertheless, does not equal the enjoyment of their rights, but serve as valuable information when monitoring those.

<sup>28</sup> The Committee published its [concluding observations](#) in February 2020.



*The “How do you see it?” survey served as the basis for the children’s report to the UN  
Photo source: Hintalovon Child Rights Foundation*

The reporting procedure to the **Committee on the Elimination of Racial Discrimination** was also due in 2019, where the Committee in its [concluding observations](#) urged measures vis-à-vis **the education of roma children and to support children in the transit zones**.

No comprehensive policies or strategies were made in 2019 for children’s rights or child protection. According to [media news](#), a comprehensive governmental action plan is to be expected in 2020.

## Independent monitoring

In 2019, there remained two independent guarantors of children’s rights: the **Commissioner for Fundamental Rights** (also known as ombudsman) and the **courts**.

In 2019, the Commissioner published [reports](#) on the following child related issues: the enforcement of contractual rights, field visits in children’s homes and child protection institutions, including the care homes in Zalaegerszeg and the Esze Tamás Children’s Home in Budapest, the rights of children in medical settings, PIC units in Budapest, post-natal joint placement of mother and child, mental abuse in schools and kindergartens and children with special educational needs.

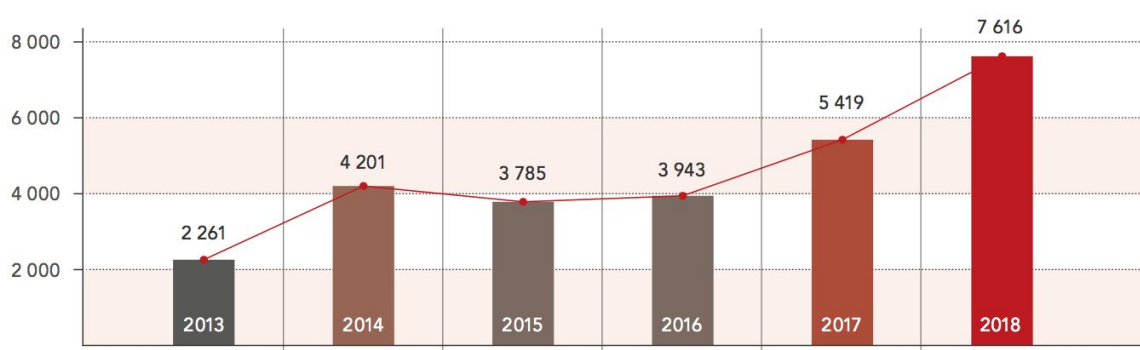
Further issues that were raised by the Commissioner: the length of the procedures of the child protection authorities, the adoption procedure, the displacement of children and a greater number of complaints regarding the child home-care allowance.

Among the jurisdiction of courts in 2019, one case stood out – it was about the **school segregation of roma children**. The Regional Court of Appeal of Budapest concluded in 28 of its judgements that roma children were segregated in primary schools and ordered the Ministry of Human Capacities to desegregate. The Court ruled that the Ministry is liable for the long-term illegal segregation of roma children.<sup>29</sup>

*“The Ministry’s failure to act amounted to indirect discrimination, as it resulted in the unfair treatment of children because of their disadvantaged background.”* [Source](#)

In June 2019, the Regional Court of Budapest delivered its first instance judgement in the actio popularis suit initiated by the European Roma Rights Foundation against the Ministry of Human Capacities. The Court concluded that **the Ministry failed to provide expert-methodic support for the child protection services under its direct control and also violated its duty to monitor**. The Ministry’s lack of action helped sustain the illegal practice of child protection services in Nógrád county which did not exclude poverty as a reason for taking children into care. The Court also ordered the Ministry to deliver measures and a guideline to prohibit displacement of children based on financial reasons and to order its subordinates to follow these principles.

Protection of the rights of children in state care falls on the **child rights representatives** employed by the Integrated Rights-protection Service (IJSZ). According to 2019 data, the cases for the representatives keep increasing while the representatives are still few in number. There are merely 23 child rights representatives available for the children who are more than 20,000 in number.



*Trend of the overall number of cases of children’s rights representatives<sup>30</sup>*

<sup>29</sup> Regional Court of Appeal of Budapest, 2.Pf.21.145/2018/6I, 14th February 2019

<sup>30</sup> Source: Presentation from the Integrated Rights-Protection Service at the Human Rights Working Group meeting, 11th December 2019, Ministry of Justice

Strengthening the work of child rights representatives would be of utmost importance, because – according to data from the Ministry of Human Capacities – over the 7 months following the new signalling protocol in July 2018, 250 signals have been made regarding cases of abuse. (This means that every single day at least one child in care falls victim to abuse.)

Hungary is yet to be a State Party to the UN CRC optional protocol no. 3.<sup>31</sup> However, according to the Ministry of Human Capacities, [preparations have begun for Hungary's accession to the optional protocol](#).

## Raising awareness on the UN CRC

**We celebrated the 30. anniversary of the UN CRC in 2019.** To commemorate the event, the [University of Szeged](#) and the [Eötvös Loránd University Faculty of Law](#) organised conferences, UNICEF held a large-scale [child rights event](#) in Budapest and the Commissioner for Fundamental Rights published a book for the occasion. A [child-friendly version of the convention](#) was also published.

*“Rights help you to live safely and happily. Your rights are protected by laws and it is important for you to know that you are entitled to all fundamental rights too. If you have rights, it means that you can do things while others have a duty to act so that you can live a healthy, happy and safe life. Of course, you also have the responsibility to respect the rights of others. If you know your rights and learn how to use them, you will also know more about cooperating with others, respecting others and how to express your needs, feelings and opinion.”* [Source](#)

In October 2019 a large-scale **children's rights conference** was held in [Pannonhalma](#) with clerical and civil attendees and speakers. The main theme of the conference was the protection of children, emphasising our common responsibility.

Events and programmes raising awareness about the UN CRC were held on both a local and national level. The [“Voice of Children”](#) campaign, the [school fundamental rights educational program](#) of Amnesty International, and the [“Diversity Week”](#) initiative all showed that by 2019 more and more NGOs and initiatives aim to raise awareness about children's rights in Hungary.

That is why it is so cruciating that we lack awareness raising and informative campaigns funded from the central budget. Hungary, as a State Party to the UN CRC is currently not fulfilling its obligations.

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<sup>31</sup> The Optional Protocol created a complaint mechanism in 2014. This allows children or their representatives to file a complaint to the Committee if a State Party violates the rights of children.

## B. General principles

### Article 2: Non-discrimination

*“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”*  
(extract from the UNCRC)

A serious issue vis-à-vis discrimination against children – similarly to previous years – is the situation of roma, LGBTQI+, impoverished, chronically ill, disabled children or children with special educational needs. The fact that no positive trends or changes can be observed and the lack of comprehensive legislative or policy efforts violate children’s right to develop and express their abilities and personalities to the fullest extent.

The **Equal Opportunities Authority** (EBH) reports cases from all of the above mentioned areas. The EBH [condemned](#) a bath in Budapest for their discriminative practice against homosexual couples and their children; similarly to the Commissioner for Fundamental Rights, the EBH concluded that [the right to education for chronically ill children is jeopardised](#) and the EBH also ruled against the discrimination of children with special needs or children with disabilities.<sup>32</sup>

*“The petitioner claimed that the bath excludes families of same-sex couples and their children from the family reduction ticket scheme. Therefore, the bath violates equal treatment when it discriminatively provides different services for persons with protected attributes.”* [Source](#)

Apart from deciding cases about children with disabilities, the EBH delivered the second highest number of decisions in cases where the employer discriminated against an employee who was expecting (4 decisions).<sup>33</sup>

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<sup>32</sup> <https://www.egyenlobanasmod.hu/hu/jogeset/ebh1252019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh1222019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh3912019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh2012019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh392019>

<sup>33</sup> <https://www.egyenlobanasmod.hu/hu/jogeset/ebh1822019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh4332019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh92019>

<https://www.egyenlobanasmod.hu/hu/jogeset/ebh2182019>

## Article 3: Best interest of the child

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” (extract from the UNCRC)*

The best interest of the child is the most important children’s rights principle. However, elaborating on the legislative decisions and legal practices related to Article 3 in our Report has been a consistent problem for years. This is mainly because the vision that would allow for the effective implementation of this article is missing. We have already pointed out in our previous reports, that the lack of a suitable Hungarian translation for the “best interest of the child” is harmful.<sup>34</sup> In 2019, it has been unprecedentedly agonising to witness that the best interest of the child cannot be defined on its own in Hungary. In its [report](#) to the UN CRC Committee, the government only referred to the best interest of the child as a part of other fundamental rights (such as deprivation of liberty of the child, displacement of the child, child victims etc.). It has never appeared standing by itself.

This leads to the fact that as of today, the children’s rights point of view (one that focuses on the interests, needs and wishes of children) could not spread widely from courtrooms through education to the everyday lives of families.

## Article 12: Respect of the child’s views

## Article 15: Right to freedom of association and peaceful assembly<sup>35</sup>

*“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.” (extract from the UNCRC)*

In 2019 the children took to the streets when the issues most important and pressing for them were concerned. In the [“How do you see it?”](#) survey almost 5300 children shared their opinion on what it is like to be a child in Hungary today. According to the report based on the findings of the survey that was sent to the Committee, **quality education is the most important for children**, and the opportunity to have a say in the future of the country. While their families usually listen to them (80% said so), only a quarter of children feel that their views matter in local and national issues. Even though most schools have a student council, half of the children experience that their opinion does not matter. The study also showed that the participation of children and them being heard is directly linked with their feeling of safety

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<sup>34</sup> The Hungarian Act implementing the UN CRC translates it as “interests above all”, while legal practice often refers to it as “utmost interest” or “best interest”.

<sup>35</sup> Article 15 should be in the chapter on “Civilian and political rights”, but since in 2018 children could practice their right to expressing their opinion through protests and movements, we are dealing with it in this chapter.

and whether they feel accepted. The study involved children not only as participants but also as researchers, consultants, activists and representatives. The child rights ambassadors of the Hintalovon Child Rights Foundation presented the findings of the study before the UN CRC Committee and the Ministry of Human Capacities. This led to the **Children's Rights Thematic Working Group** to [vote](#) for the participation of two children at each meeting beginning from December 2019.

*"The demands of the student protest of 31st August 2019:*

- *Allow teachers to have a say in the appointment of the school's principal*
- *Double the annual budget for education*
- *Involve expert organisations in the legislative process and have meaningful discussions about the reforms*
- *Freedom of choice in teaching material and books*
- *Ease the burden on teachers, cut down on unnecessary administration*
- *Provide competitive salaries for teachers and all school workers"*

#### Source

2019 was the fourth year when **students took to the streets to protest** for a reliable and quality education system that respects their free time. Although the central issues of these movements remained – a progressive education system that reflects the needs, abilities and skills of children – as new reforms were announced, so changed the slogans and catchphrases of these protests. The students protesting at the end of April asked the government to postpone the [new hardliner higher education entry criteria](#) until quality foreign language teaching is available in schools. The amendment of the Public Education Act drew [another student protest](#) in August, while September has seen [school boycotts](#) where [alternative lectures](#) were organised to show that they want to learn and study, not abstain from education.

**Climate change** caught the attention of students world-wide. This is the [second biggest worry](#) for Hungarian students, and is mostly present among secondary school students. The Fridays for Future Hungary recorded 85 climate protests countrywide, where – according to a [study](#) – one third of the participants were aged 15–19. Schools' reactions to the initiative varied, but tolerated participation in general.



*One third of those participating in the climate protests in Hungary in 2019 were aged between 15–19*  
[Photo source](#)

The high number of protests shows not only the globally increasing voice of children but also **the lack of forums, where children can express their views** in a structured way and have a meaningful impact on decision-making. This could be addressed by the long term training system developed by the National Youth Council (NIT) with the help of the Ministry for Human Capacities that aims at [strengthening student councils](#). The [strategic partnership](#) shows the government's dedication to listen to the voice of the youth and to keep them informed through umbrella organisations about government decisions which affect them.<sup>36</sup> It has to be reiterated that the previously mentioned amendment of the Public Education Act curtailed students' rights to participation and abolished the student council's right to partake in the appointment of principals.

Although protests were a common form for children to stand up for their interests, the "How do you see it?" survey showed that a significant number of children (17%) [do not think it is effective](#) or are afraid of their consequences (9%). In their answers to the open questions they have shared stories where parents, teachers or the school discouraged them from taking part or indirectly expressed their disapproval. However, upon our inquiries the organisers of the climate strikes shared good practices from schools, where they have helped children to achieve meaningful participation and provided them with information. The Civil Liberties Union's legal centre acted in several cases of police overreaction, nonetheless, **the biggest obstacle of participation was the conflation of expression of**

<sup>36</sup> The appointment of a peer to deputy minister of state for youth affairs was supposed to enhance this communication. The decision invoked serious media outrage and a political public [debate](#) in general.

opinions with making a political statement.

**Respect for children starts with taking them seriously.** This involves the development of a political culture which does not use children as bio-decoration or tools. During the campaigning periods prior to the European Parliament and the local elections in 2019, children were shown on social media, ads and videos of the politicians. The Commissioner for Fundamental Rights and the deputy-commissioners issued [a joint statement](#) calling for politicians to refrain from using children in their events and from the use of pictures and videos featuring children, as well as not to visit schools in an attempt to win over voters. The interest in this issue will likely shape the attitude of parents and institutions alike towards the political use of children, nevertheless, [it should be up to political parties to break the habit of using children](#) and thus, violating their rights.



*In 2019, children were often shown in social media, campaign videos and ads of politicians*

[Photo source](#)

A study important for the participation of children was carried out examining the [quality of school communitarian services](#). Since 2012 students of secondary schools are required to complete 50 hours of volunteering in order to attempt the A levels (matura exam). However, the study showed that although students complete these 50 hours, the true experience of volunteering as well as the preparation for and dissemination afterwards is missing – 2 out of 3 times children receive no feedback at all. The researchers urged a reform in order to ensure the meaningful participation of children.

## C. Civil rights and freedoms

### Article 17: Access to information

*“States Parties (...) shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.” (extract from the UNCRC)*

According to the children’s [report](#) submitted to the Committee, 84% of children think it is important for them to be up to date with the latest information and news. The majority of children also expressed that they do not understand a lot of things and are confused about where to search for information (45%). Children have the right to be provided with credible and clear information and that, in the post-truth era, includes being able to filter out fake-news. A study involving teachers and students aged 16–24 shows that both groups consider fake-news a [problem and threat](#). **Students feel comfortable in the digital environment but their self-confidence in identifying fake-news is exaggerating.** They would like to talk more about this, but besides being overburdened, teachers and principals lack such preparation and training to discuss this. The study showed the politically sensitive nature of the issue too: half of the teachers asked were unsure how to talk about politically themed fake-news in school.

*“The teachers and students participating in the study – independently from each other – named mostly common topics, areas and challenges that have to be addressed in the battle against fake-news. Such areas are an interest in public issues, critical thinking, media knowledge, source proofing skills, cooperation and debating skills.” [Source](#)*

**Studies regarding children’s right to information show several [other deficiencies](#).** In families 4 out of 10, in schools 6 out of 10 children do not hear about child abuse, while online safety is only talked about in half of the families. Sexual conduct is legal from the age of 12, however, only half (47%) of the children talked about sexuality in their families and it was even more lackluster in schools (40%). Alcohol and drugs are a taboo 4 out of 10 times in a child-adult relationship.

Children learn to think by us showing them the world. In 2019, the public dialogue on migrants had one of the strongest impressions on children. The UN special rapporteur on migration [heavily criticised](#) the government’s xenophobic and hateful rhetoric. While there were no studies on the effects of the governmental communication on children, the previously mentioned study included textual answers from children regarding migrants. Half of the children had positive, more than a quarter of the children had negative attitudes (even higher among children living in rural towns), while the rest gave evasive answers. Public dialogue affects children both by its manner and its content.

It is generally accepted that beyond the migrant situation, we are responsible for communicating the [concept of family](#), Christian and national values and what we consider to be [harmful](#). We are further responsible for whether we do this on ideological, politico-economic grounds or based on the needs of children or the viewpoint of fundamental rights.

## D. Violence against children

### Article 19: Children's right to protection from all forms of violence

*"States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse." (extract from the UNCRC)*

More than the legislative or judiciary, violence against children was mostly **thematized by the media**. Departing from the trend of the previous two years, the most important narratives in 2019 were domestic violence and school bullying rather than sexual abuse.

Child sexual abuse saw a very important [criminological study](#) in 2019 examining the characteristics of crimes committed against children:

*"It has to be highlighted that in 98% of the cases the victim and the perpetrator knew each other; 58% were victimised by a close relative or family member while 36% said the perpetrator was a close acquaintance. (...) It was shocking to find that – in line with academic accounts – 55% of the victims were less than 19 years of age at the time of the crime. (...) Three-quarters of the victims were female, nonetheless, the proportion of boys falling victim to sexual abuse was higher than the average rate. This is important because it proves – contrary to common belief – that boys are also at a risk of sexual victimisation."*

[Source](#)

### Protection of children against all forms of violence

In 2019, several cases of **grave domestic violence** have come to the limelight. Domestic abuse leading to murder resulted in the death of 10 children (in total 11 minors lost their lives). Three of these cases received significant media coverage.<sup>37</sup> Even though these cases – especially the [family massacre in Győr](#) – finally proved to be able to focus the attention of stakeholders on this issue,<sup>38</sup> the news and articles scarcely elaborated on the permanent harm it causes children to be a witness to such horrendous scenes.<sup>39</sup> These cases raised questions whether the institutions responsible for the protection of children and the experts in these procedures have the necessary qualifications to take into account the fundamental rights of children and their safety as a primary consideration when making a decision.

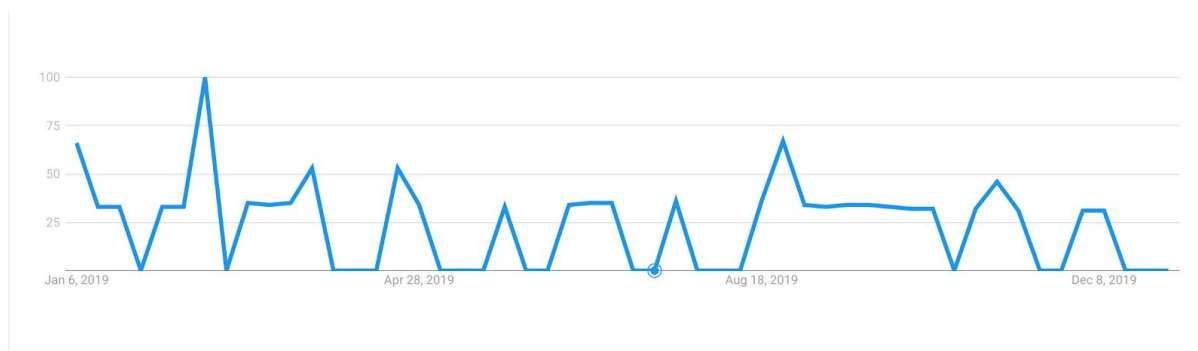
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<sup>37</sup> In August the family massacre of the Zöldlomb Street, in December the dual child murder case in Győr, and the multiple manslaughter of Andornaktálya

<sup>38</sup> The [report](#) delivered by the Ministry of Justice examines the judicial practice and the decisions made but omits the children's rights aspects of the case.

<sup>39</sup> Quoting from the [report](#) of the Ministry of Justice on the dual child murder in Győr: "The trauma previously caused by the defendant is not present anymore in the children, they need not be taken to a psychologist. During their cohabitation the defendant's alcohol problem and jealousy caused some problems but during these times he was only aggressive towards her, not their children."

Google Trends also shows that without a tragedy happening, domestic violence is not a general topic, it does not bother the public much. In 2019, 10 spikes are clearly visible for the keyword “domestic violence”.



Graph from Google Trends showing the number of searches for “domestic violence” in 2019<sup>40</sup>

Even though the “family massacres”<sup>41</sup> are the cases that struck the public the most, the majority of murders of children are committed by their mothers. Most of these (8) were infant murders. While domestic violence and child abuse were hot topics in the media, infant murders are still a taboo.

A [criminological study](#)<sup>42</sup> published in 2019 drew conclusions from judgments to reflect on the legal practice of relationship violence. The study mentions the following:

*“In the deliberation of these crimes, unfortunately, it is very common that it remains unnoticed how children may – and often are – also the victims of these crimes, similarly to the spouse, domestic partner or other relative.”* [Source: Renáta Garai](#)

The legal stalemate on mandatory **vaccines** seemed to finally move forward in 2019 when the Constitutional Court ruled that if the parents will not vaccinate their child, [the child protection authority may remove the child from those parents](#). This meant that refusing vaccination was interpreted to be similar to the most serious forms of child abuse or neglect.

The possibility of draconian measures thus appeared on the one hand. On the other hand, though, there is a clear necessity for public dialogue. It would be key to pay attention to this side as well, if we are to protect children.

## Violence in schools

No studies, surveys or statistical data have been gathered on **violence in schools** since 2015. Cases that have come to light (in the media) show that the number of children being

<sup>40</sup> [Google Trends](#) – and thus, the graph – shows the proportion of searches, not their actual number.

<sup>41</sup> [The “family massacre” of the Zöldlomb Street](#) in Budapest, [the dual child murder](#) case in Győr

<sup>42</sup> Garai, Renáta: A kapcsolati erőszak bűncselekményének jogalkalmazási gyakorlata

subject to exclusion, shaming, bullying, abuse or violence both offline and online is significant.

The media narrative of violence in schools according to Google Trends – similarly to domestic violence – is linked to serious cases and scandals,<sup>43</sup> which fundamentally alters how the issue is viewed by the public. It enhances the chance of bagatellisation of smaller-scale cases of abuse and puts the focus on the relationship between the abused and the abuser and disregards the path leading to the act and the role of those standing by as well as the systemic problems.



Graph from Google Trends showing the number of searches for “school violence” in 2019<sup>44</sup>

Providing media coverage only in scandalous cases poses another risk, namely, that good practices, examples and emerging practices will likely remain unnoticed.<sup>45</sup> However, this responsibility does not only lie with journalists. The [NyugiOvi programme](#) was introduced in 2015 to prevent and manage cases of violence in early childhood. Between 2016 and 2018 the adaptation of the Finnish KiVa model was operating. This programme has been unavailable since 2019. The ENABLE programme is aimed at tackling peer bullying among higher grade students. Despite widespread interest from professionals, these programs could not reach the majority of the public due to a lack of funding and coordination.

*“Higher grade students are present as animators during break time for lower grade students to notice if a child is being bullied and help solve conflicts while they also play and talk with the kids. Teachers believe that this programme and the novel point of view helped significantly reduce the number of bullying cases.” [Source](#)*

The **online world** has many opportunities as well as risks for children. The **Internet Hotline** help centre [reported](#) last year that most notifications were of paedophile content, content

<sup>43</sup> The students of a military school played tie-up with their peer, which [turned into sexual abuse](#). In a kindergarten in Budapest, [carers shamed and mentally abused a girl](#) who suffered long-term mental wounds as a result.

<sup>44</sup> [Google Trends](#) – and thus, the graph – shows the proportion of searches, not their actual number.

<sup>45</sup> Emerging practice: [peer help](#) is working very well in a school in Győr. Higher grade students are tasked to notice violence and bullying against lower grade students and to help handle these conflicts.

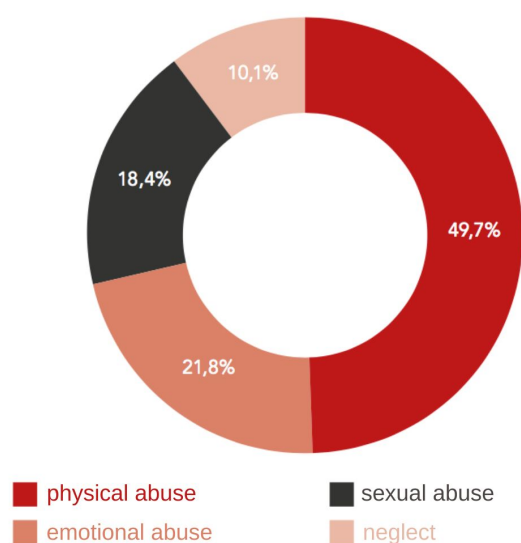
published without consent and phishing. The number of notifications regarding child sexual exploitation tripled since 2018, with one-third of these cases likely being child pornography.

An application “Kapcsolj egyből!” (“Switch at once!”) was developed with the financial support of the government and the EU, providing a geographical search and a panic button for children, should they get into trouble.<sup>46</sup>

## Protection of particularly vulnerable children from violence

We have submitted a request for public data to the Ministry of Human Capacities regarding the exposure of **children in care** to violence and abuse. As a result, we could examine the available data for 2018.

Between 1st July and 31st December 2018, a total of 250 signals of child abuse or suspicion of abuse were made. 168 cases from children’s homes, 80 from the foster parent network and 2 from correctional institutions. Out of the 250 signals 136 were supposedly carried out by peers, 65 by a child protection professional and 57 by other adults.



*Pie chart showing the proportion of signals by type of abuse between 1st July 2018 and 31st December 2018*

It has to be further pointed out that according to the Ministry of Human Capacities, **all sexual abuse cases in child care were committed by peers**. This highlights the need to examine and reform the structure, protocols, services and support in children’s care institutions.

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<sup>46</sup> We have not received information on the number of downloads and general experience from the operator by the time our report was finalised.

It is rather difficult to gather reliable data regarding the abuse of children. No criminal or child protection statistical data was available for 2019. According to the most recent available statistics (2018), **the number of children taken into care due to endangerment or lack of cooperation by parents increased**. However, this increase is mainly due to a rise in endangerment by parents, rather than cases of abuse.

|                                       | <b>2010</b>   | <b>2012</b>   | <b>2015</b>   | <b>2016</b>   | <b>2018</b>   |
|---------------------------------------|---------------|---------------|---------------|---------------|---------------|
| <b>Total:</b>                         | <b>24,027</b> | <b>25,755</b> | <b>23,321</b> | <b>25,423</b> | <b>29,014</b> |
| <i>behaviour of the parent</i>        | 9371          | 8670          | 8553          | 9712          | 11,080        |
| <i>behaviour of the child</i>         | 5912          | 6242          | 3325          | 3479          | 3988          |
| <i>50-hour absence from school</i>    | –             | –             | 4836          | 5410          | 6555          |
| <i>committing an offence or crime</i> | 1775          | 1657          | 1419          | 1614          | 1965          |
| <i>abuse</i>                          | 421           | 406           | 412           | 431           | 460           |

*Children taken into care*  
*Source: Central Statistical Office*

One in every ten children are still at risk in Hungary, according to child protection data.

|  | <b>2012</b>      | <b>2014</b>      | <b>2017</b>      | <b>2018</b><br>(preliminary) |
|--|------------------|------------------|------------------|------------------------------|
| <b>Under 18</b><br>(no. of persons)                    | <b>1,904,339</b> | <b>1,850,824</b> | <b>1,812,672</b> | <b>1,811,329</b>             |
| <b>Endangered children</b><br>(no. of persons)         | <b>190,564</b>   | <b>130,586</b>   | <b>172,808</b>   | <b>173,604</b>               |
| <b>Proportion of endangered children (%)</b>           | 10%              | 7%               | 10%              | 10%                          |
| <b>Neglected children in total</b><br>(no. of persons) | <b>23,922</b>    | <b>29,671</b>    | <b>20,875</b>    | <b>20,572</b>                |
| <b>Proportion of neglected children (%)</b>            | 1.26%            | 1.60%            | 1.15%            | 1.14%                        |
| Physical neglect                                       | 10,524           | 14,912           | 14,468           | 14,547                       |
| Emotional neglect                                      | 13,398           | 14,759           | 6407             | 6025                         |
| <b>Children abused in total</b><br>(no. of persons)    | <b>6828</b>      | <b>7494</b>      | <b>6542</b>      | <b>7067</b>                  |
| <b>Proportion of children abused (%)</b>               | 0.36%            | 0.40%            | 0.36%            | 0.39%                        |
| Physical abuse   | 2233             | 2927             | 3235             | 3607                         |
| Emotional abuse  | 4285             | 4113             | 2687             | 2856                         |
| Sexual abuse   | 310              | 454              | 620              | 604                          |

*Endangered, abused, neglected children*

*Source: Central Statistical Office KSH-OSAP*

A **criminological study** was published in 2019 focusing on the judicial practice of cases of child endangerment. We would like to quote the following:

*“There are significant differences between counties in how many persons out of 100,000 residents commit child endangerment. The main reason behind these differences is the authorities’ response and sensitivity to these crimes. A higher number of child endangerment*

*in aggregation with offences or crimes against property can be observed in the less developed, poorer counties. (...) In the judicial cases examined it would have often been correct to rule domestic violence in aggregation with child endangerment, but it was never done so. Although it is clear that shaming, abuse and terrorisation affects all family members, domestic violence is identified only against the partner as a victim and even then, the number of such judgements is few. (...) The child protection system often mishandles these notifications and their practice varies among counties. In some areas the notification system is malfunctioning, while in other areas the conflicts between child protection services and the authorities jeopardises the efficient handling of these cases.” [Source](#)*

## E. Family environment and alternative care

### Articles 5, 9 and 11: Family relations and situation of children separated from their families

*“States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.” (extract from the UNCRC)*

Even though at the time of compiling our report we had no available statistical data for 2019, according to the Central Statistical Office, [the number of children in care has increased](#) in the previous years. The numbers are rising despite the fact that the number of children in follow-up care (aged 18–30) is decreasing – the constant rise in numbers can be explained by the increase in children aged 0–13. Statistics show that this increasing trend is most dynamic among children aged 0–2: one in every hundred of these children live in care homes or foster care, which is approximately the double of the data from 2010.

The legal obligation to place all children displaced from their families under the age of 12 with foster parents until 31st December 2016 was still not fulfilled by the end of 2018: by the end of the year (31st December) out of the 2420 children in care who have special needs solely based on age (0–3) 306 (12.8%) were living in children’s homes.

**In 2018, 30% of all children in care lived in institutions.**

Two years ago the government launched a campaign to promote being a foster parent, organising events countrywide and creating a [website](#). In the previous years the number of foster parents stagnated around 5400–5600. **This number slightly increased in 2018, up to 5773.** The number of foster parents to care for children who are chronically ill, handicapped or under the age of 3 is 1224, while only 14 foster parents are eligible to care for children who suffer from severe psychological or dissocial disorder or take psychoactive substances. Despite the increase in the number of foster parents, the percentage of children in foster care did not increase significantly – this is due to the increase in the number of children in care. Presumably the [new child protection strategy in the spring of 2020](#) will feature the strengthening of foster care and adoption as key targets.

A positive change is that since 1st January 2019 **children of persons in assisted living settings are also entitled to this service.**<sup>47</sup> Thus, parents and their children may be accommodated together.

Since 1st January 2016, family and child welfare centres have to operate a so-called **on-duty service**. This is carried out via a hotline in the form of giving advice, counselling

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<sup>47</sup> Section 75. of Act no. III of 1993

and crisis management to provide urgent expert help even outside of office hours. This new on-duty service was implemented in the Social Act (Act no. III of 1993) as well, reflecting the legislative aim to provide the service not only for persons with child protection issues but also to persons or families with mental, social or other issues or crises. In order to achieve uniform practice, the General Directorate of Social Affairs and Child Protection issued a [recommendation](#) for these services.

The Commissioner for Fundamental Rights issued several reports on children's homes.<sup>48</sup> The case of an institution in the capital received the most public attention, as there have been conflicts between the local residents and the children living in the institution. Media coverage<sup>49</sup> focused on the children and the professionals working in the institution – while the systemic malfunctions remained uncovered. All of the Commissioner's reports on children's homes emphasise the **general lack of staff, high fluctuation, lack of available workforce (and with it, the overburdening of staff) and the insufficient material tools.**

*"I would like to reiterate that it violates the state's obligations under the Convention if the children displaced from their homes are placed in no better – or even worse – conditions than those they have been removed from. This practice contradicts Article 20 of the Convention. (...) The problem is urgent all across the board, but especially in larger cities and the capital, as shown in the current report: 10 positions in the institution cannot be filled permanently, only temporary staff can be employed."* Source: report of the Commissioner no. AJB-276/2019

The child protection profession and the children have all been shocked by [the closure of the Károlyi István Children's Home in Fót](#). The secretary of social affairs argued that by closing down the so-called "children's city of Fót" the government aimed to de-institutionalise worn-down institutions on the periphery.

Data on the future care of the children who were living in the institution were not available by the time our report was closed, although, upon the application of the Hungarian Helsinki Committee, the Regional Court of the Capital ruled at first instance that [the Ministry of Human Capacities has to publish this data](#).

Many have called on the Ministry to not close the institution by ways of [public letters](#) and [petitions](#). In the letter to Attila Fülöp, the secretary of social affairs, the signatories ask him

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[https://www.ajbh.hu/documents/10180/2932608/Jelent%C3%A9s+az+Esze+Tam%C3%A1s+Gyermekekotthon+m%C5%B1k%C3%B6d%C3%A9s%C3%A9r%C5%91l+276\\_2019/5f9dee7b-3f85-249a-b515-b9b3fd545a4c?version=1.0](https://www.ajbh.hu/documents/10180/2932608/Jelent%C3%A9s+az+Esze+Tam%C3%A1s+Gyermekekotthon+m%C5%B1k%C3%B6d%C3%A9s%C3%A9r%C5%91l+276_2019/5f9dee7b-3f85-249a-b515-b9b3fd545a4c?version=1.0)

<https://www.ajbh.hu/kozlemenyek/-/content/qzyKPkTyQAvM/az-alapjogi-biztos-utovizsgalata-az-emberi-eroforrasok-miniszteriuma-zalaegerszegi-gyermekekotthonaban>

<https://www.ajbh.hu/kozlemenyek/-/content/qzyKPkTyQAvM/az-alapveto-jogok-biztosa-a-tornanadaskai-specialis-lakasotthonok-es-a-tagiskola-mukodesenek-sulyos-problemairol-es-a-szukseges-intezkedesekrol>

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[https://index.hu/belfold/2019/07/12/tobb\\_rendorsegi\\_eljaras\\_is\\_folyik\\_a\\_xii\\_keruleti\\_gyermekekotthon\\_lakoi\\_ellen/#](https://index.hu/belfold/2019/07/12/tobb_rendorsegi_eljaras_is_folyik_a_xii_keruleti_gyermekekotthon_lakoi_ellen/#)

<https://24.hu/belfold/2019/07/12/esze-tamas-gyermekekotthon-istenhegy/>

to postpone the closing of the institution until the children are found a proper place of care. The petition reads that “even a healthy child living with his or her parents is traumatised by losing his or her home and environment, especially if he or she is moved to a different city and has to change kindergarten or school. It is a straight up catastrophe for disabled, ill or otherwise disadvantaged children who already have to grow up without their parents.”

## Adoption

Since the 2014 introduction of the uniform adoption system the [number of adoptions has grown](#). In 2017 1025 children, while in 2018 1000 children were adopted – on 31st December, 1890 children were up for adoption. According to the Central Statistical Office, 220 of the children adopted in 2019 were younger than 12 months and 256 children were in international adoption.

The adoption procedure aims to find the suitable adopting parents for the child as quickly as possible. However, the adoption is traumatic for children if it proceeds without proper information, preparation and communication to the child. [Two investigations were carried out regarding adoptions in 2019](#). In the first case, a girl raised by her foster parents, practically since birth, was removed from her surroundings – she met her adopting parents in the morning only to find herself in a different city with a different family by the end of the day. In the other case, a four-and-a-half-year-old girl who had been raised by her foster parents since birth, was moved to her adopting parents in just 3 days. It is clear that these adopting parents received no training, the views of the child were disregarded, thus, their new “relationship” began as a traumatising experience. According to the [guideline for adoption](#), “the befriending process takes as long as the child needs to feel comfortable and safe within the new relationship. The adopting parents are able to handle unexpected situations. The child and the prospecting adopting parents start to develop emotional bonds.”

*“Ideally, this process takes weeks, so that the child can develop trust towards his or her new ‘parents’. Many prospective adopting parents already move closer to the child, so that they can meet more often. This process requires cooperation from the adopting parents: the new prospective parents, with the help of the carer, learn the social habits of the child and participate in the care, starting to build up a bond of trust.”* [Source](#)

It would be hard to even list how many of these points were violated in those cases, both towards the prospective adopting parents and the children. Following these investigations the head of the Regional Child Protection Service resigned.

The practice whether the foster parent may adopt a child varies between counties. Even though the general rule is that this is not a possibility – as the foster parent carries out public duties and is tasked with preparing the child to reenter his or her family or for adoption – it may still be possible that the [authority approves such an adoption](#). Notwithstanding that every single case is different and the best interest of the child has to be respected at all times, we would still consider it important to develop a consistent and uniform practice in this field.

## F. Disability, basic health and welfare

### Article 23: Children with disability

*“Recognizing the special needs of a disabled child, assistance shall be provided free of charge, whenever possible, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.” (extract from the UNCRC)*

The **increase in the number of students with special educational needs** became a key issue in the previous years. The rise in numbers [may be due to more attention being focused on diagnosing](#) learning difficulties, nonetheless, the education system is also outdated. According to the [latest data](#) from the Central Statistical Office, there were 93,800 students with special educational needs, a 2.5% increase compared to the previous year. The biggest issue is the lack of special education teachers. Examining the Ministry of Human Capacity’s [statistical roundup](#) for the 2019/2020 school year, it becomes clear that **the number of special education teachers decreased** in 2019, their numbers being 9731 compared to the over 10,000 the previous year.

*“According to the teacher, the education system failed to keep up with modernisation and still tries to operate as it was a hundred years ago. The children of today are subject to completely different impulses, if they are thrown into the same system at the age of six, it will surely have harmful consequences – even what we call special educational needs is a rather subjective matter today.” [Source](#)*

### The social services and protection of children with disabilities

Although the UN CRC and the UN CRPD Committees both urged measures to be taken years ago to prevent the institutionalisation of children and the de-institutionalisation project 2017–2036 specifically focuses on their situation;<sup>50</sup> **even in 2019 hundreds of children with disabilities live in institutional settings.**

The de-institutionalisation project prescribes that children with disabilities have to take part in the process.

According to data from the Central Statistical Office in 2018, 443 children aged 0–13 and 334 children aged 14–17 lived in institutions.<sup>51</sup> These are very often institutions for children

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<sup>50</sup> Governmental Decree no. 1023/2017. (I. 24.) adopted the de-institutionalisation project 2017–2036

<sup>51</sup> Care home for persons with disabilities, home for persons with disabilities, rehabilitational institution for persons with disabilities, rehabilitational assisted home for persons with disabilities, nursing and care institution for persons with disabilities

and adults alike, accommodating them jointly.

| <i>Type of care</i>   | <b>2017</b>         |                      |                      |                       | <b>2018</b>         |                      |                      |                       |
|---|---------------------|----------------------|----------------------|-----------------------|---------------------|----------------------|----------------------|-----------------------|
|   | 0–13<br>aged<br>boy | 0–13<br>aged<br>girl | 14–17<br>aged<br>boy | 14–17<br>aged<br>girl | 0–13<br>aged<br>boy | 0–13<br>aged<br>girl | 14–17<br>aged<br>boy | 14–17<br>aged<br>girl |
| <i>Care home for persons with disabilities</i>                      | 1                   | –                    | –                    | –                     | 2                   | 1                    | –                    | –                     |
| <i>Home for persons with disabilities</i>                           | 262                 | 199                  | 207                  | 112                   | 250                 | 190                  | 209                  | 110                   |
| <i>Rehabilitational institution for persons with disabilities</i>   | –                   | –                    | 5                    | 11                    | –                   | –                    | 3                    | 8                     |
| <i>Rehabilitational assisted home for persons with disabilities</i> | –                   | –                    | –                    | –                     | –                   | –                    | 1                    | –                     |
| <i>Nursing and care institution for persons with disabilities</i>   | –                   | –                    | 1                    | 1                     | –                   | –                    | 1                    | 2                     |

*Number of children with disabilities in permanent and temporary care home, divided by age and sex (31st December)<sup>52</sup>*

Based on the data acquired in 2018 by the Central Statistical Office's 1209 OSAP data acquisition initiative, about 23% of children in care have special or binary needs. The Child Protection Act does not promote de-institutionalisation as Section 7. paragraph a) provides an exception for chronically-ill or seriously disabled children under 12 from being placed in foster care. **42% of children in care with special needs lived in children's homes, 53% in foster care and 5% in institutions providing nursing and care.** The majority (44%) of children with special needs who are taken into care have psycho-social disabilities or other

<sup>52</sup> Source: no. 1202 OSAP data gathering, shared with us by the Central Statistical Office upon request.

behavioural – learning difficulties, OCD – problems (36%).

It may be good news for both children placed in institutions, for persons with disabilities and for children in care with special needs that [the government decided to revise](#) the de-institutionalisation project 2017–2036 and implement the recommendations from civil society.<sup>53</sup> The [revised strategy](#) prioritises children under 18 and enshrines that children with disabilities also participate in the de-institutionalisation process. In order to achieve that, the number of foster parents capable of caring for children with special needs has to be increased and the infrastructure of the foster care system has to be strengthened. The legislative background has to be created for children with disabilities to participate in assisted living, should they – as a result of their condition – not be able to be in foster care. Furthermore, developmental and therapeutic services, healthcare and education have to be provided for children with special needs in foster care. Another positive is that the revised strategy explicitly adopts the principle of respecting the evolving capacities of children with disabilities, thus, their opinions need to be taken into account in all matters affecting them.

Several analyses in 2019 showed that the care for children in assisted living is unregulated.<sup>54</sup> 2019 has seen some improvements in this field. The Social Act prescribes that from 1st January 2019 the supervision and meal services for children in care can only be provided in person.<sup>55</sup> Another amendment to the Child Protection Act allowed the placement of children in care in assisted living schemes.<sup>56</sup> However, despite the previously described legal reforms, assisted living is still hardly suitable for the needs of children, and the option still remains for children to be placed in large institutions.

*“Under the current legal regime the habilitation, rehabilitation and care of children requiring special care – based on the expert opinion of the committee set up by the Public Education Act – is to be provided by designated special children’s homes, children’s homes in general or children’s home groups, given that the child cannot be placed in foster care and his or her condition does not necessitate placement in an institution for the disabled, a psychiatric institution or in assisted living or if the placement of the child is not possible due to lack of space.” Source: Section 58. of the Child Protection Act*

The National Disability Programme’s (that prescribes the government’s duties for 2015–2025 in improving the wellbeing, acceptance and integration of persons with disabilities) first medium-term action plan was in effect from 2015–2018.<sup>57</sup> Unfortunately, the following action plan for 2019–2021 has not been adopted. The core function of the action plan would be to provide a step-by-step, operationalised schedule for the implementation of the long-term de-institutionalisation strategy. Thus, the lack of an adopted action plan is also a major flaw for children with disabilities, as it jeopardises the monitoring of such measures, deadlines and resources designated by the government to achieve the aims set forth.

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<sup>53</sup> Governmental Decree no. 1295/2019. (V. 27.)

<sup>54</sup> [Country report on Living independently and being included in the community – Hungary](#)

<sup>55</sup> Section 75. paragraph (7a) of the Social Act (entry into force: 1st January 2019)

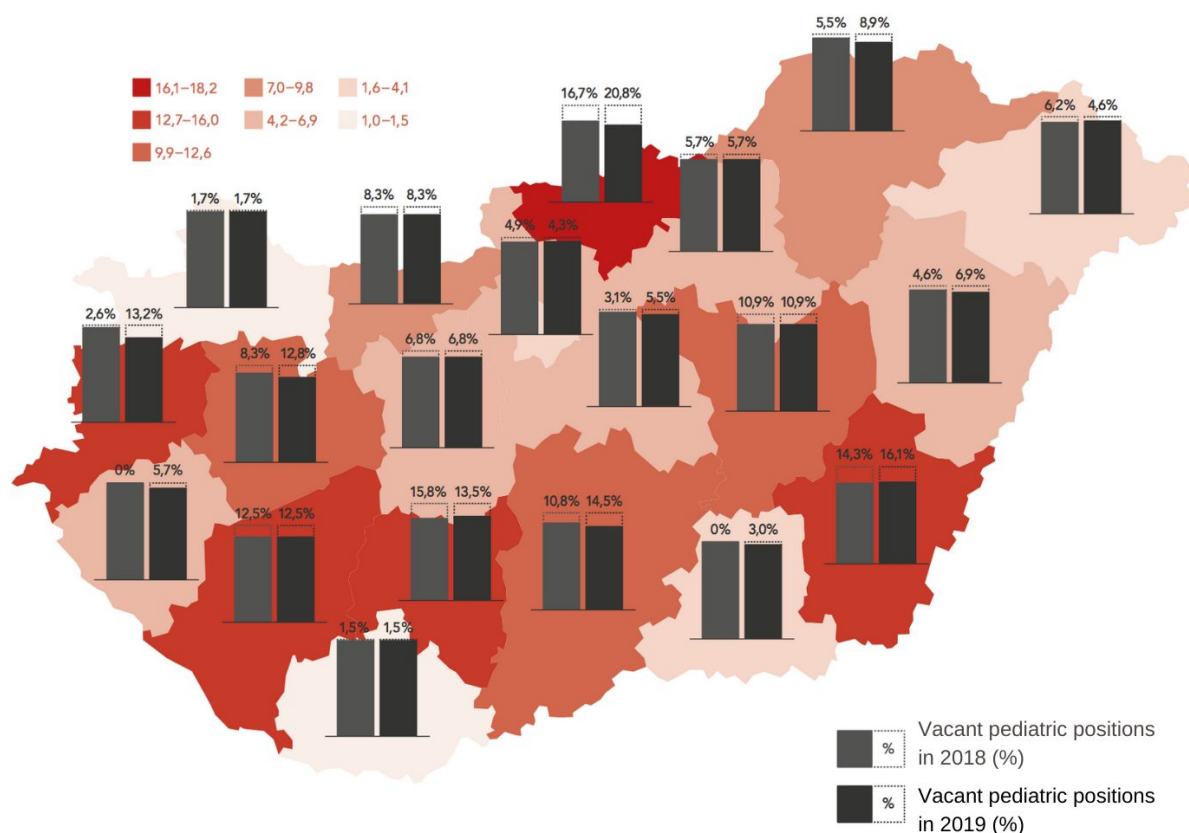
<sup>56</sup> Section 132. paragraph (5) of the Child Protection Act: children may be placed in assisted living or institutions for persons with disabilities or psychiatric disorders according to the provisions of the Social Act. (Amended by Act no. CXXVI section 61. paragraph (1) h). Entry into force: 1st January 2020)

<sup>57</sup> Governmental Decree 1653/2015. (IX. 14.)

## Article 24: Health and healthcare services

*“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.” (extract from the UNCRC)*

We have already pointed out the **serious deficiencies in the pediatric care** system in our previous report, an issue which **worsened further** in 2019 to the point that the **system turning unsustainable** is looming. 40% of pediatricians are above the retirement age and 20% are above 70 already. Data from the National Health Insurance Fund (NEAK) also verify the problem. The 89 **vacant pediatrician positions** in 2018 **grew to 110** in 2019, meaning that apart from Szabolcs-Szatmár-Bereg (1 additional position filled), Tolna (1 additional position filled) counties and Budapest (2 additional positions filled) all counties reported a stagnating or even increasing number of vacancies. As a result, **72,273 children below 18 had no access to pediatric care in 2019**.



*Proportion of children without access to pediatric care, 2019 (%)*

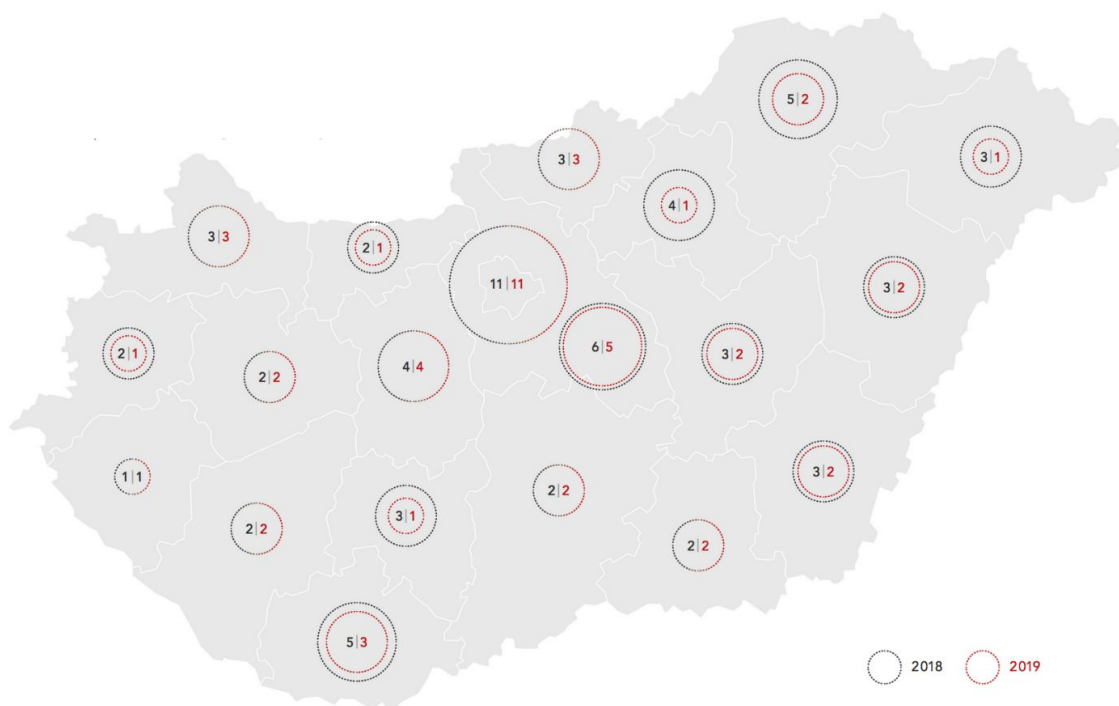
**Although the number of school nursing services decreased compared to 2018, the number of vacant school nurse positions increased.** As prescribed by NM Decree no. 26/1997. (IX. 3.), the school nurse can be employed either full-time or part-time. In 92% of the cases it is provided by part-time services (2907 services), the coverage being above 90%. Understaffing is an issue for the full-time positions, as 33% of the 240 positions remain vacant.

However, **it was not only access to healthcare that proved problematic for children** – as the **“How do you see it?”** survey shows. Children who shared their opinion described **mostly negative experiences** with doctors, while only 20% shared a positive memory. Every third child complained of incorrect behaviour from the doctor, while every fourth child pointed out negligence from the doctor (e.g. not using rubber gloves).

*"My doctor said I was lying and did not have the symptoms I had said."* [Source](#)

It was also the “How do you see it?” survey highlighting that **4 out of 10 children had already felt the need for emotional, mental or drug-related support**, 2 out of them asked for help but only 1 was content with the help received. 5% of those answering said they had not asked for help because it was not available nearby.

According to data from NEAK, the number of **institutions providing outpatient child or youth psychiatric services decreased by 17** from 2018, resulting in a 40% drop in the weekly availability hours of such medical professionals. **The institutions providing care were available only in the county's chief town.** Inpatient youth psychiatric care remained unchanged since 2018.



*Number institutions providing youth psychiatric and addictology outpatient care 2019*

From 1st July 2019, [the salary of district nurses was increased](#), however, this could not stop an increase in the number of vacant positions. According to data from NEAK, **8% of regional and mixed district nurse positions remained vacant** in 2019. Coverage and accessibility varied greatly among counties: the worst was Nógrád county, where 32% of the positions were vacant, as well as Heves, Komárom-Esztergom and Jász-Nagykun-Szolnok counties reporting a vacancy rate of 10–20%.

Increasing birth rates was a key governmental target in 2019.<sup>58</sup> According to data from the Central Statistical Office, [the number of births decreased by 0.7% compared to 2018](#). Despite the stagnating or decreasing birth numbers, **the number of C-sections grew rapidly**. According to OECD data, Hungary has always ranked poorly on the list of C-sections per 1000 capita – now, [it is 4th](#) in the list. The further increase may be the result of complex elements, which are oftentimes symptoms of systemic issues: even the uncomplicated births are led by doctors, and doctors are interested in minimising risk because of a fear from being sued for damages in case something goes wrong. Additionally, more women with underlying health complications decide to have children or choose scheduled C-sectioning. Doctors' workload may also be a factor as in hospitals with more than 3000 deliveries usually leave less time for labour and C-sections provide a quicker solution.

It is also problematic that although a ministerial decree from 2017 enables the mother and infant to **leave the hospital 24 hours after birth** (given that there were no complications), it barely ever happens in reality. According to data from NEAK, **it occurred only 9 times (0.09%) out of 10,000 cases, while leaving after the first 48 hours happened in 47 cases (0.47%)**. On 17th december 2019 a [new guideline was issued on obstetrics and infant care](#). This guideline contains several progressive recommendations and protocols that are in line with international standards.

In 2019, SMA (spinal muscular atrophy) in children received significant media coverage. In December 2019, an agreement was made between Hungary and the distributor of the only European certified SMA medication, meaning that [all under 18 children with SMA have access to the necessary treatment](#).

## Breastmilk feeding

The Central Statistical Office launched a [longitudinal study](#) in 2018 with pregnant women. The [result published in 2019](#) showed that **only 0.5% of women in their 7th month of pregnancy planned on not breast-feeding their children**. 92% of them planned to breast-feed only and 6% were planning to combine breast-feeding and formula feeding. The next round of data gathering was when the children reached 6 months of age, and the data showed that 6% of children received no breast-milk: 90% were breast-fed after birth and 4% received breast-milk in alternative ways. At 6 months of age, 58% of children were breast-fed and 17% received breast-milk only. Most mothers reported to be breast-feeding

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<sup>58</sup> The governmental decrees entered into force 19th December 2019 centralised 6 fertility clinics in the capital and in other cities until 31st December 2022.

their children according to the needs of children, one tenth of them breast-fed according to daily routines and one sixth had a time schedule. [The government is committed](#) to promote breast-feeding.

## Youth health

The Health Behaviour in School-aged Children (HBSC) [study](#) examines the health of 5th, 7th, 9th and 11th graders every 4 years. Data gathering was in 2018 and the publication was in 2019. The study showed that **children eat less fruit and vegetables, less children have breakfast and the rate of obesity increased by 5-6%** compared to 2014. The results also showed that one quarter of students are unsatisfied with their health, they reported mental problems and fatigue. **Alcohol consumption decreased** with only 4 out of 10 children reporting to have consumed alcohol in the previous 1 month. Every fourth student, however, reported to have tried some kind of drug before and every eighth student smokes weekly.

According to the World Health Organisation (WHO), the second most common cause of death among the youth is suicide. Several prevention programmes are operating in Hungary, however, the identification of depression or crisis of children is not part of teachers training. According to law, all schools with 500 or more students should provide school psychologist services, but many of these positions are vacant. Long term therapy is available free of charge by the child welfare service centre, but the **waiting lists can take months**. In case of an acute crisis, children may be admitted to psychiatric wards, while there is [only one rehabilitation ward](#) in the country. Mental health **hotlines are available for children**, such as the [Kék Vonal](#) ("Blue Line"), where **3-4 daily suicidal crises are reported on average**.

*"Almost a thousand cases of suicidal thoughts or acute suicidal urges came up in our consultations. These callers were listened to and given attention and support in trying to find a solution together. Naturally, these talks are not sufficient in handling mental issues, but the 116 111 Hotline can be the first step towards child protection, psychological or psychiatric help. Many of our callers have already been diagnosed with a mental disorder but have not received proper care or therapy and still experience crises."* [Source](#)

A survey among more than 9 thousand children below 18 showed that [74% of adolescents spend more than 3 hours on the internet every day](#), 40% of them spend more than 4 hours online, mostly via their smartphones. 78% of them still spend more than 2 hours a day with friends in real life, but 71% have a friend they only keep in touch with online, while 90% have already received messages from unknown persons. One third of the students asked like to read the news, therefore, fake-news affects them significantly. **44% of them reported being abused online**. Furthermore, 33% of the children shared that they have been asked for erotic photos online.

Two legislative propositions were submitted in the summer of 2019, but [the tax reduction of menstruation products](#) and to provide them free of charge for persons in poverty **failed** even before being brought to the Parliament. Meanwhile, according to the Hungarian Charity Service of the Order of Malta, **30% of Hungarian girls and women are affected by menstruation poverty**, leading to many of them abstaining from school during those days.

## Article 26: Social security

*“States Parties shall recognize for every child the right to benefit from social security.”  
(extract from the UNCRC)*

Family policies were dominated by the aim to increase birth rates in 2019. A **7-point action plan** was introduced in the beginning of 2019 with the introduction of tax exemption for mothers of 4 or more children, grandparents' childcare allowance, expansion of “csok” or the car purchase support for large families (see Foreword). These are often unavailable for disadvantaged families. Despite the large-scale financial support, the **family allowance** – which is an important source of income for many – has been [unchanged for 10 years](#). Due to falling birthrates the number of families and children applying for family allowance keeps decreasing, but still over [1 million 750 thousand children](#) were eligible per month on average in 2018, according to data from the Central Statistical Office.

*“The misery is incommensurable in villages in Northern Borsod and Nógrád counties. There are zero work opportunities, locals practically survive on 2-3 year term social projects and donations from NGOs. Many of the children are malnourished, which is no surprise when even the sausage is filled with potatoes instead of meat and children with food intolerance have no chance to keep a diet.” [Source](#)*

According to data published in 2019 by the Eurostat, [23.8% of children in Hungary were susceptible to poverty or exclusion](#).<sup>59</sup> The Chance for Children Foundation's 2014–2017 report<sup>60</sup> used the SILC data to show the trends of child poverty in that period. According to their findings, the rate of child poverty in Hungary has always been above the European average, and increased further during the global economic recession. The recession hit those children the hardest who were already disadvantaged for other reasons (e.g. low educational qualifications of parents). The highest rate of child poverty in Hungary was between 2010–2013, which may have been due to the significant reforms of the social security system which reduced public spending on allowances for the impoverished. The poverty ratio seems to be improving in 2014–2017 and the effect of family allowances and support is starting to ease poverty, but targeted research is needed to analyse the complex issues and mechanisms. Nonetheless, it is important to emphasise that low qualifications of parents, low work intensity, living in remote areas or small villages and roma ethnicity are all significant risk factors for poverty.

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<sup>59</sup> These calculations are complex. The methodology of Eurostat provides information on child poverty in Europe based on SILC data (Statistics on Income and Living Conditions). According to this methodology, persons at risk of poverty means that they live in households earning less than 60% of the median income. Those affected by at least 3 of the 9 problems are considered as financially deprived. A low workforce household is one where active age adults spent less than 20% of their potential time working in the previous year.

<sup>60</sup> Civil report on child poverty 2014–2017. The data were published in the study of Gábos András and Tóth István György, titled “Gyermekek helyzete a gazdasági válság idején és utána”.



*The Jelenlét (Presence) Programme of the Hungarian Charity Service of the Order of Malta consisting of educational, employment and social components began to operate in 30 towns in 2019. Photo: András, Hajdú D.*

[Photo source](#)

**Hungary has no targeted strategic plan for the roma community's equality of opportunities, although the Hungarian National Strategy for Equal Opportunities II. (2011–2020) prioritised roma groups.** It may show a change in the attitude vis-à-vis the developmental policies that the [Ministry of the Interior took over](#) the State Secretariat for Social Inclusion and a [ministerial advisor for roma issues](#) was also appointed. According to the Minister of the Interior, the previous plans for social inclusion failed to reach the target population, so [disadvantaged regions have to be targeted better](#) in the future. In line with this, the Governmental Decree no. 1404/2019. (VII. 5.) titled “Towns catching up” long-term programme prescribed that the educational, employment and social program ([Jelenlét Programme](#)) of the Hungarian Charity Service of the Order of Malta has to be extended to the 300 most disadvantaged towns. The programme began in 30 of them in 2019.

## G. Education, leisure and cultural activities

### Articles 28 and 29: Education, including vocational education and guidance

*“States Parties agree that the education of the child shall be directed to: (...) the development of the child’s personality, talents and mental and physical abilities to their fullest potential (...)” (extract from the UNCRC)*

Debate on issues related to quality education had a key role in 2019. The legislative reforms affecting the public education system (see Foreword) and the information on the new National Curriculum fundamentally defined the year.

In our previous [Child Rights Report](#) we elaborated on the first draft of the National Curriculum which was up for public debate at the end of 2018 before its entry into force in September 2019. However, [the curriculum was under revision](#) in the first half of the year and the Minister of Human Capacities decided that the [new National Curriculum will be implemented in September 2020](#).

The new National Curriculum emphasises [patriotic and home-defense education](#) of children and [music education](#), while [mathematics](#) will be focused on real life examples and provide practical knowledge. However, in December news said that [there would not be a new curriculum](#), rather [the current curriculum would be revised](#) based on thousands of submissions and opinions received by the drafters.

The Parliament adopted the [amendments to the Public Education Act](#) in July 2019. This **changed the duty to attend kindergarten and the age of mandatory entry into school education**<sup>61</sup> (see Foreword). The reform of the Public Education Act transformed home-schooling status of students from 1st September 2019 into so-called [individual learning schedules](#), with the authority who approves applications for this special status being the Educational Authority (OH). The reforms also prescribed that alternative schools have to align their curriculums so that it may only differ up to 30% from the structure of the central framework curriculum.

Section 27. paragraph (7) of the amended Public Education Act still provides schools with an extra 10 hours weekly for students with special educational needs: the amount of extra hours provided remained unchanged.

In November 2019, news aired about a [legislative proposal affecting alternative schools](#). [The Hungarian Waldorf Association issued a statement](#) about the harmful effect of the proposed amendment. According to the Ministry of Human Capacities, the registration of

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<sup>61</sup> Parents of children above the age of 6 who did not want their child to begin school studies had to see an [expert](#).

alternative schools would change, but [it does not mean that alternative schools would cease to exist](#).

It was announced in February 2019 that from the 2020/2021 school-year onwards, students in 9th and 11th grade may participate in a two-week individual or group [foreign language learning course](#) in a destination [country of one of the first foreign languages](#) prescribed by the Public Education Act. This initiative is aimed at providing students an opportunity to acquire [practical language skills](#) in a native environment.

The revision of the previous decision requiring [mandatory language certifications](#) to enter into higher education was also significant in the autumn of 2019. The Ministry of Innovation and Technology (ITM) – after consultations with the National University Student Organisation (HÖÖK) and other organisations – proposed that [this mandatory language requirement be removed](#) from the entry criteria.

The [“Let’s go to university 2020!”](#) free of charge university preparatory programme was launched by the Ministry of Human Capacities with the aim of providing opportunities for the youth to attend higher education by helping them prepare for the A levels (matura exam).

The Association of Pedagogues published a study in 2019 describing how [teachers are overburdened](#). A teacher in Hungary works 56 hours a week on average and spends an additional 18 hours weekly on administration at home (such as preparing for the coming classes, correcting quizzes and students’ works). According to the Central Statistical Office, [4543 positions were vacant in public education](#).

The results of the 2018 [PISA study](#) were published at the end of 2019, showing an **improvement** in Hungarian students’ performance. Nonetheless, Hungarian students [still perform below the OECD average](#).<sup>62</sup>

*“It is worrying that in many countries the ZIP code of the student projects his or her performance. In Argentina, Bulgaria, Czech Republic, Hungary, Peru, Slovakia and the United Arab Emirates children from disadvantaged backgrounds have one-eighth the chance of a student from a better environment to get into the same school.” [Source](#)*

The report of the Commissioner for Fundamental Rights concluded that children in long-term hospital care have little access to education. Upon the signalling of the Hungarian Pedagogic Association the commissioner revealed that **the right to education of children in long-term hospital care is jeopardised** for multiple reasons: the legislation does not even define long-term hospital care, or what constitutes long-term. The requirements for providing education are completely missing and the hospitals and clinics have no staff qualified to provide education to children.

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<sup>62</sup> Organisation for Economic Co-operation and Development, in which Hungary has been a member since 1996. As a global organisation, the OECD aims to support the governments of state parties in developing good eco-social practices and policies.

The previously elaborated “How do you see it?” survey showed that **education is the most important question for Hungarian children**. They believe that the situation of children can be improved best by providing quality education and job opportunities. They are most interested in how useful what they learn is and their biggest worry for the future is that they might not find a job. They are aware of the importance of studying and they would like a suitable environment for that. This does not rely solely on the education system: the curriculum is considered more useful in schools which are a safe and joyful place and where teachers treat students with respect. The motivation to study is higher in better schools, however, **only 1 in 10 children studies happily**, while every fifth child thinks that bullying in schools is too common.

This makes the media coverage of [school violence](#) cases all the more important. This focused public attention on abuse in schools and bullying, and that a significant number of children are affected. The “How do you see it?” survey showed that **every fifth child believes bullying to be too common in schools**. [Prevention has to play a crucial role in schools](#) – calls the study of the ELTE Faculty of Education and Psychology.<sup>63</sup>

Civil organisations started collecting signatures to reinstate [the age of mandatory education](#) to 18. According to data from the Central Statistical Office, [a great number of children fall out from the education system since the decrease of mandatory education age](#). While the EU aims to decrease the proportion of early school leavers (18–24-year-olds who have only primary qualifications) to 10%, this number was 12.5% in Hungary last year, which is the 6th highest among EU states. The Public Education Authority published data that showed [60,000 children](#) were [leaving schools without any qualifications](#) (50,000 were affected in primary schools).

| Age   | 2014/2015 school-year |            | 2018/2019 school-year |            | Difference |            |
|-------|-----------------------|------------|-----------------------|------------|------------|------------|
|       | Number                | Proportion | Number                | Proportion | Number     | Proportion |
| 16    | 7146                  | 7.2        | 7528                  | 7.81       | 382        | 0.61       |
| 17    | 9904                  | 9.71       | 14,520                | 14.61      | 4616       | 4.9        |
| 18    | 30,109                | 27.67      | 33,484                | 34.6       | 3375       | 6.93       |
| Total | 47,159                | 15.24      | 55,532                | 18.98      | 8373       | 3.74       |

*Proportion of children aged 16–18 who do not attend school*

Source: [Annex to the 6th periodic report for Hungary on the implementation of the UN CRC](#)

<sup>63</sup> The study draws up and analyses the tendencies in the availability and accessibility of school preventive interventions and measures in school during the 30 years since the change of the system.

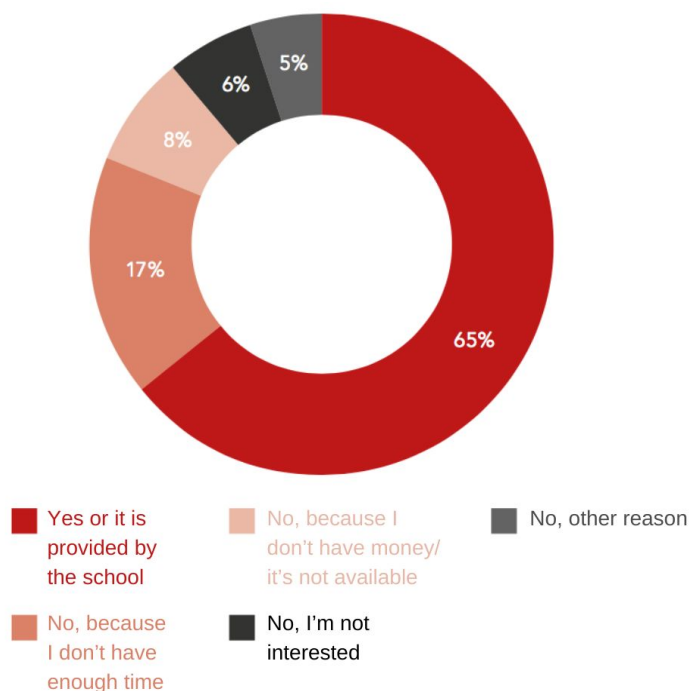
## Article 31: Leisure and culture

*“The child shall have the right to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.”  
(Extract from the UN CRC)*

The **overburdening of students** – along the similar problems of teachers – is one of the most common critiques for the public education system.

The [“How do you see it?”](#) is the most recent survey examining children’s right to leisure. The answers of the 5300 children show that 2 out of 3 have a chance to participate in out-of-school leisure activities. **Every third child, however, does not have this opportunity, mainly because of a lack of time.** 8% of the children cannot afford to do sports or participate in culture or music activities or these activities are not available at their place of residence. 6% of children are not interested in anything of the likes.

The report based on the findings of the study show that **the backgrounds of children fundamentally determine their participation in leisure activities.** The lack of money, interest or opportunities proves the greatest obstacle for students of vocational schools, while students in the capital are the most common among those not interested in these activities. While 7 out of 10 students of primary schools or secondary grammar schools attend some kind of extracurricular activity, only 5 out of 10 in vocational schools and 4 out of 10 in technical schools do so. A lack of time is the biggest obstacle for secondary grammar school students (28%), but it is also an issue for students of vocational or technical schools (22%).



*Do you take part in extra curricular activities, such as sport, music, theatre?*

[Source](#)

## H. Other special protection measures

### Article 22: Special protection of asylum seeking children

*“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”*  
(extract from the UNCRC)

Access to asylum for migrant children is severely obstructed, as in the two southern transit zones (Tompá and Röszke) an average daily amount of 2 applications are taken by the migration authority. According to statistical data from the national migration directorate, only [476 asylum applications were dealt with by authorities](#) between 1st January and 31st August 2019. Asylum seekers under international protection constitute 7% of the applicants (835 applications). The [length of these procedures](#) can be shown by the case of Abouzar Soltani, an Iranian asylum seeker and his 10-year-old child, who have been in the transit zone for almost over a year and the authorities refused to deal with their application, stating that they had arrived through Serbia, a safe country, and thus ordered their expulsion to Serbia at first and then to Iran. Soltani appealed against the decision and the appeal procedure is still ongoing. **This practice is a grave violation of asylum seeker children's right to a fair trial.**

**The restricted accessibility of asylum and the authorities [refusing to decide](#) on the merits of these cases, as well as the overly lengthy procedures violates children's right to international protection and safety.**

The new immigration rules that entered into force 1st July 2018 led to the continuation of immigration authorities' practice that if the asylum application is refused (a decision is not made on the merits of the case), the asylum seeker is not provided food for the duration of the appellate process. The European Commission issued an opinion in the [procedure against Hungary](#) that had been initiated because of the lack of food supplies in the transit zones. According to the Hungarian Helsinki Committee, there had been cases where children were separated from their families during mealtimes so they could not share their rations. This is an illegal practice that violates the right to dignity of children and parents alike, as well as contradicts the best interest of the child.

*“On 23rd September thirty families petitioned to the director of the transit zone. The desperation of these families is understandable, as parents have to powerlessly witness their children being deprived of all the happiness, school, playing, freedom and joy that they deserve just as any other child in the world. They do not understand why, after waiting for years to enter into the transit zones legally having not committed any crimes, they are still being held for no reason and for an indefinite time. As they have written, ‘parents are facing*

*serious mental problems because of the suffering of their children and the uncertainty of their futures.”* [Source](#)

In spite of the [UN High Commissioner for Refugees](#), the [Committee for the Prevention of Torture](#) (CPT), the [human rights rapporteur of the Council of Europe](#), the European Parliament as well as the European Commission all criticised or condemned **the detention of asylum seekers (especially children) in the transit zones**, the [Grand Chamber](#) of the European Court of Human Rights (ECtHR) reached a [different conclusion](#) in the *Ilias and Ahmed v Hungary* case. According to the ECtHR, the transit zones [do not constitute detention](#). However, it has to be pointed out that the Court examined the conditions in 2015 and based its decision on the circumstances at that time. The [situation has changed](#) since, and the transit zones serve as a place of detention for mostly children throughout the entire asylum procedure.

Due to **the uncertainties vis-à-vis the [age assessment](#) procedure** many unaccompanied minors are incorrectly treated as adults by authorities. **This harmful practice strips these children from their rights under the UN CRC.**

It was good news that the human rights rapporteur of the Council of Europe reported from a field visit on 17th May 2019 that the personnel caring for unaccompanied minors showed a highly professional attitude and used [numerous good practices](#) in the care of vulnerable young asylum seekers. It is regretful however, that the circumstances of the [closing of the Children’s Home in Fót](#) and the ministry’s plans on the future of the unaccompanied minors living there is still unknown.

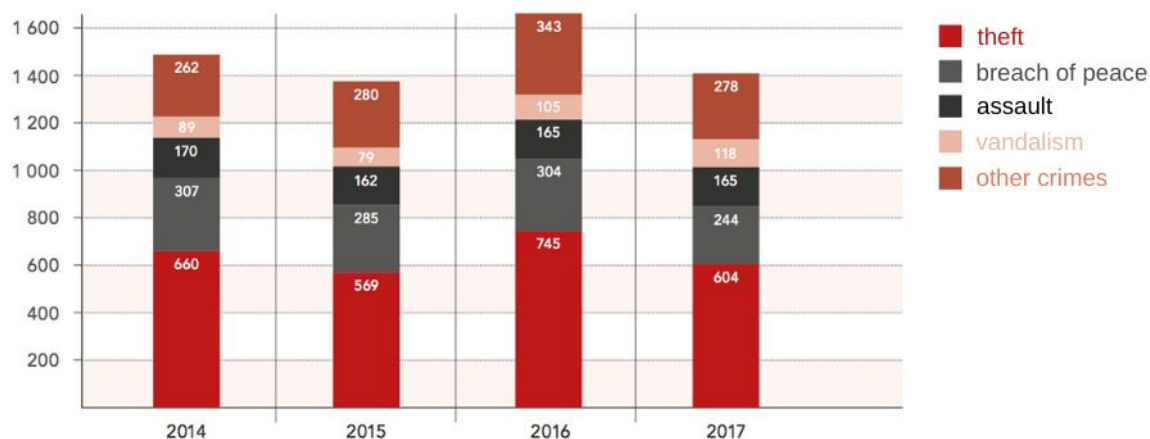
The Fundamental Rights Agency of the European Union expressed its [concern](#) that the Hungarian authorities only designate a child rights representative and provide placement in Fót for unaccompanied minors below the age of 14. **This practice violates the non-discrimination principle of Article 2 of the Convention.**

## Articles 37, 39 and 40: The system of juvenile justice

**The number of children and juveniles facing the justice system as perpetrators gradually decreased since 2013.** Comparable statistics are only available until the first half of 2018, as the new Code on Criminal Procedure<sup>64</sup> changed the data collection system. From the second half of 2018 the uniform criminal statistics database (ENyÜBS) registers only the number of crimes committed and not the number of perpetrators.

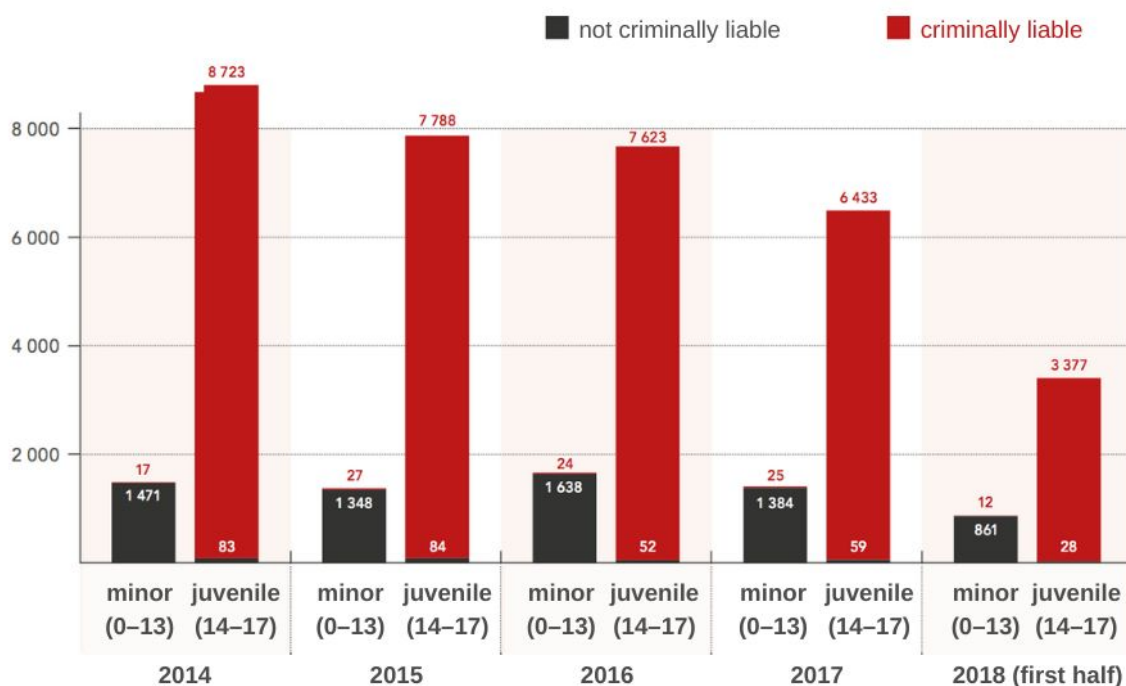
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<sup>64</sup> Act no. XC of 2017 on criminal procedure



*Registered number of minors as perpetrators by most committed crimes*

No positive change has been made in 2019 regarding the restoration of the decreased age for criminal responsibility that had been criticised by the CRC Committee. Among children aged 0–13, 24–27 children committed crimes that resulted in their criminal responsibility. The following graph shows that approximately one-fifth times fewer minors (0–13) perpetrate than juveniles (14–17). They are concerned in petty crimes and lenient forms of crimes against persons.



*Number of perpetrators registered*

It was a milestone in 2019 for juvenile justice that **the mother of the child who had murdered homeless persons was [also convicted](#)**. The court concluded that the mother seriously neglected her duties and often abused her son. As the boy's attorney also pointed out, the acts of the child are motivated by the family and the deficiencies of the child protection system, and this must be taken into account: the boy and his younger sibling have been taken into care previously. The mother had been convicted to a suspended prison sentence for child endangerment and domestic violence in the first instance.

In the summer of 2019, [an 8-year-old girl lost her life in a fire](#) in the MOM Sports Centre. The other children raised by the mother were removed and placed into a care home. We do not attempt to (nor could we) decide whether the displacement served the best interest of the children. Nevertheless, it is certain that the news and media coverage of the case often showed these children with their names and clear pictures. The fact that anybody can peek into the life of these children both prior to and after the tragedy does not help them process what happened. Furthermore, it may even lead to the violation of these children's privacy and to peer bullying or abuse.

A study was published in 2019 that examined the judicial practice of crimes against children:

*"The practice of interviewing children is appalling in the child friendly or child centered justice of Komárom-Esztergom (84%), Fejér (75%), Zala (57.1%) and Győr-Moson-Sopron (52.6%) counties. In these four counties in the majority of cases (over 50%) children are interviewed three or even more times, traumatising children over and over again. This amounts to systemic abuse of children."* [Source](#)

Statistical data from the BSR in 2019 shows **2170 minors (aged 0–13) became [victims of crime](#)**. The majority of crimes committed against them were child endangerment (582) and physical assault (473). Among juveniles (aged 14–17) 3654 of them fell victim to crimes, the most often committed ones were theft (1018), assault (690) or breach of peace (628). These numbers have decreased compared to previous years.

# Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

*“States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.” (extract from the [Optional Protocol](#))*

The [patriotic upbringing](#) of children received more and more emphasis in recent years, with the clear message of promoting the nation's ability to defend itself and to provide recruitment for the military.

*“Protecting our homeland is a sacred duty we have to pass on to the generations to come.”*  
[Source](#)



*Military School Kadet Target Practice Club for children with live weapons*  
[Photo source](#)

*“The National Defense and Military Enhancement Programme centres around the soldier, his or her equipment, training, career and circumstances. Patriotic education, the cadet programme, volunteer military service and the integration of national defense serves to provide the second line.” [Source](#)*

These narratives are worrying from a children's rights perspective, especially because at the [cadet competitions](#) children are handed live weapons and have to do tasks requiring serious physical effort.

The [concluding observations](#) of the UN CRC Committee emphasised that the military

training of children and the Cadet School of National Defense<sup>65</sup> has to be in line with the [Optional Protocol](#).

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<sup>65</sup> We have written about the Military School Kadet Programme in our [2018 Report](#). The main aim of the programme (according to its self-definition) is to make elementary school aged children understand that “national defence is a pillar of our nation”. As part of patriotic and national defence centred education, special emphasis is put on defence related sports, military traditions and military tomb keeping.

# Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

## Trafficking in children

*“States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.” (extract from the [Optional Protocol](#))*

**Signs pointing towards positive changes** could be observed in 2019, nevertheless, their situation remained unchanged. Child victims of prostitution are still treated as perpetrators by the judiciary and safely accommodating victimised children is not yet provided. The children’s home in Esztergom was designated unofficially to accept child victims of prostitution, however, admission is based on a waiting list and a recommendation from the National Child Protection Board of Experts (OGYSZB).

**Children can still only be admitted to safe-houses for victims of human trafficking through their parents.**

The government adopted a legislative proposal to **tackle the exploitation of victims of human trafficking**.<sup>66</sup>

*“The proposal aims to protect children against sexual exploitation. (...) The amendment inaugurates a novel criterion to rule out criminal liability: if the person offering sexual services is below 18 years of age at the time. According to the amendment, child victims of human trafficking – the category that includes prostitution of children – qualifies as a child with special needs.” Source*

The identification of **potential child victims in Hungary is still below the European average**. The European Union Fundamental Rights Agency (FRA) [reported in 2019](#) that almost a quarter (23%) of registered victims of human trafficking, especially among victims of child trafficking were Hungarian in 2015–2016 (out of 1310 children 647 were Hungarian).

This proposed amendment was also supposed to affect the Act of Criminal Offences, meaning that **children would no longer be punishable for illegal prostitution** (Section 172.). The other relevant provision would not have been affected by the amendment (Section 184. Prohibition of offering sexual services). In 2019 a minor was sanctioned to an on-the-spot fine for committing this offence, 2017 being the previous time when a minor was sanctioned under this provision.

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<sup>66</sup> The law enters into force July 2020, designating special children’s homes to serve as safe-houses for child victims of human trafficking for a maximum of 60 days. Police officers may take child victims of human trafficking to the safe-houses even without the expert opinion of the board of experts.

Another positive change was the statement of the Prosecutor General which we have elaborated in our previous report. According to the statement, **the prosecutor's office reviews cases of prostitution and qualifies them as human trafficking if it is proven that the victim of prostitution was a minor.**

Criminal statistics do not yet show the results of this, in 2019, 19 (female) children were victims of human trafficking (Section 192 of the Criminal Code; only one child was victimised in 2018), while it has to be noted that 12 of these children were identified as victims outside of Hungary. We have examined the statistics of Pandering (Section 200. of the Criminal Code) too: in 2019, 15 children (12 girls and 3 boys) were identified as victims (in 2018, 13 children fell victim to pandering). According to data by the ENyÜBS, 249 children were registered as victims of sexual exploitation.<sup>67</sup> 3 children (all boys) were exploited for work purposes.

The government developed a new strategy for human trafficking for the period 2020–2023 that entered into force 1st February 2020 and designated care for victims of human trafficking and prevention as targets.

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<sup>67</sup> Child pornography, exploitation of child prostitution, pandering, living on earnings of prostitution, sexual violence

## **Child Rights Report 2019**

*Written by Hintalovon Child Rights Foundation*

*Authors:*

Karolina Balogh  
Szilvia Gyurkó  
Boglárka Jánoskúti  
Barbara Németh  
Nóra Sánta  
Katalin Stáhly  
Aida Varga  
Felícia Varga  
Gergely Vaskuti

*Editor:*

Bernadett Fodor

*Design:*

Viktória Hitka

*Presswork:*

Dániel Sánta

*We would like to express our thanks for the valuable expert help in drafting the report to:*  
Ágens Darvas, Erika Katonáné Pehr, Attila Láposy, Ágnes Lux, Éva Makai, Veronika Mérő,  
Viktória Sebhelyi

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[www.hintalovon.hu](http://www.hintalovon.hu)  
[info@hintalovon.hu](mailto:info@hintalovon.hu)

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